

REMARKS

Careful consideration has been given by the applicant to the Examiner's comments and rejection of the claims, as set forth in the outstanding Office Action, and favorable reconsideration and allowance of the application, as amended, is earnestly solicited.

Applicant notes the Examiner's rejection of Claims 1, 4, 8, 13, 15 and 16 under 35 U.S.C. §102(b), as being anticipated by Ghaffari, et al., U.S. Patent No. 5,708,423, as detailed in the Office Action; the rejection of Claims 2, 9, 12 and 17 under 35 U.S.C. §103(a) as being unpatentable over Ghaffari, et al.; the rejection of Claim 3 under 35 U.S.C. §103(a) as being unpatentable over Ghaffari, et al. in view of Irizarry, et al., U.S. Patent No. 6,195,009; the rejection of Claims 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over Ghaffari, et al. in view of Francis, et al., U.S. Patent No. 6,600,418; the rejection of Claim 7 as being unpatentable under 35 U.S.C. §103(a) over Ghaffari, et al. in view of Bradin, U.S. Patent No. 6,566,997; the rejection of Claim 10 under 35 U.S.C. §103(a) as being unpatentable over Ghaffari, et al. in view of Chung, et al., U.S. Patent No. 6,703,935; the rejection of Claim 11 as being unpatentable over Ghaffari, et al. in view of Applicants Admitted Prior Art, as set forth in the present specification; and the rejection of Claim 14 as being unpatentable over Ghaffari, et al. in view of Lucero, et al., U.S. Patent No. 4,072,930. Concerning the foregoing rejections, applicant notes that the Examiner has extensively detailed his reasoning for these rejections in the Office Action.

However, contrary to the Examiner's position and argumentation, applicant respectfully submits that the claims, particularly as amended herein, clearly and unambiguously distinguish over the art, irrespective as to whether the latter is considered singly or in combination.

Concerning the foregoing, Claim 1, which is the only independent claim pending herein, has been amended to incorporate portions of original Claim 3, entire Claim 14 and inventive features as described in the specification on Page 2, fifth paragraph.

The foregoing amendments to Claim 1 clearly and unambiguously provide patentable and distinctive subject matter over the art, and especially Ghaffari, et al., which is the primary reference of record and is applied to all of the claims.

Concerning the foregoing, applicant respectfully submits the following arguments in traverse of the rejection of the claims:

Ghaffari, et al. refers to a data processing system which maintains records of respective locations of a plurality of objects in real time. Each of the objects has therefore a respective object marker, which transmits an identification signal that is unique to the respective object. Ghaffari, et al. hereby discloses a one-way data transmission that is the marker, which is only able to send an identification signal but not to receive any data or information (Column 4, lines 62 to 64, Column 11, lines 40-62). The only signal which is sent to the marker is either a power burst signal in order to charge up the power storage circuit or is an interrogation signal triggering the marker to send a specific information (Column 12, lines 8 to 16). The marker, as revealed in Ghaffari, et al., is not suitable to receive data and to process data in any way.

In contrast with Ghaffari, et al., the transponder according to the present application, as claimed herein, is able to receive an identification signal of a base station and to further receive data from the central control station. Moreover, the transponder is able to process the data in different form, i.e., to indicate that the container is approaching a non-permitted area or to indicate further data received from the central control system on the display.

Reverting to Irizarry, et al., this patent discloses an apparatus that monitors the departure of a child from an exit. Hereby, an electromagnetic field is generated at the exit and a tag worn by the child is responsive to the electromagnetic field. The tag triggers an alarm upon passage of the child out of the exit. The tag is, thus, only able to send a signal which triggers alarm; the tag is not equipped to receive and process signals or data.

One of skill in the art would not combine Ghaffari, et al. and Irizarry, et al. in order to provide indication on the transponder. As discussed hereinabove, both publications do not afford the possibility that a marker or the tag is able to receive an identification signal, which could be a necessary condition for processing the received identification signals or data and to react according to the received data. In addition, one of skill in this particular art would not modify the tag of Irizarry, et al. for use in a transponder, as in the present application, since the purpose of the tag is not to alert the child itself who wears a tag, but to alert other people. In contrast therewith, according to the present invention, the warning signal or the data displayed on the display directly addresses the operator carrying the transponder. The technical problem addressed by Irizarry, et al. and that solved by the present invention are consequently completely different and unrelated.

Lucero, et al. discloses a monitoring system for use with amusement game devices. Thus, in the instance of a certain event takes place at an amusement device, an attendant in the area is alerted such that the attendant can insert his portable transponder into a coupler unit of the winning game devices. After communication between the transponder and the computer, a specific amount of indicated money is transmitted from the computer to the transponder, and displayed in the transponder readout. The system disclosed in Lucero, et al. does not provide a position detection of the transponder present in the area. The transponder is able to transmit and receive data only when inserted by the attendant into the coupler unit. The transponder is not suitable for sending an

identification signal, which allows a position detection or a movement direction detection. Lucero, et al. is therefore concerned with a completely different field than the present invention, since in the present invention for security reasons, there has to be detected the exact position and movement direction of a transponder and the therewith associated container. Consequently, Lucero, et al. also do not include the possibility of indicating a non-permitted or prohibited approach, such as the transponder does not serve for a position detection.

With regard to the remaining secondary publications, such as Francis, et al., Chung, et al. and Brandin, which have been cited by the Examiner and the prior art, as discussed in the specification, these are even more remote from the present invention than Ghaffari, et al., and inasmuch as the claims are now clearly and patentably distinguished over Ghaffari, et al., the secondary publications are not applicable, irrespective as to whether combined with Ghaffari, et al. or considered independently.

In view of the foregoing comments and amendments to the claims, which are deemed to be fully responsive to the ground of rejection set forth in the Office Action, the early issuance of the Notice of Allowance by the Examiner is earnestly solicited.

However, in the event that the Examiner has any queries concerning the instantly submitted Amendment, applicant's attorney respectfully requests that he be accorded the courtesy of possibly a telephone conference to discuss any matters in need of attention.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Leopold Presser', written over the typed name.

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